

### **REMARKS**

The Office Action dated June 9, 2009, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-3 and 6 are currently pending in the application, of which claim 1 is an independent claim. Claim 1 has been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Support for the amendment to claim 1 may be found, for example, in previous claim 5. Claims 4-5 and 7-16 have been cancelled without prejudice or disclaimer. Claims 1-3 and 6 are respectfully submitted for consideration in view of the following remarks.

At item (6), the Office Action objected to claim 5 as being dependent upon a rejected base claim, but stated that it would be allowable if rewritten in independent form including all of the limitations of claim 1. Claim 1 has been re-written to include the features of claim 5, and claim 5 has been cancelled without prejudice or disclaimer. Thus, it is respectfully submitted that claim 1 is in condition for allowance (as are claims 2-3 and 6, which depend from claim 1), and it is respectfully requested that the objection to claim 5 be withdrawn.

At items (2)-(4), the Office Action maintained the restriction between the claims, as set forth in the Office Action dated February 17, 2009. The restricted claims have been cancelled without prejudice or disclaimer. Applicants reserve the right to file a divisional application as to the restricted claims.

At item (5), the Office Action rejected claims 3 and 6 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection with the following explanation.

With respect to claim 3, the Office Action alleged that it is not clear what is meant by “a gap (X) is set between said annular member and said rolling elements” as recited in claim 3. The Office Action notes that with respect to the embodiment shown in Figure 5 of the present application, the gap (X) can correspond to the combination of gaps A and B. However, the Office Action has overlooked the alternative embodiment in Figure 6, in which the gap (X) is simply between the beveled surface 52 of the annular member and the bearing roller 46. A person of ordinary skill in the art, reading the claims in light of the entire specification, would be properly apprised of the claim term.

With respect to claim 6, the Office Action alleged that it is not clear what is meant by “ $\theta_{max}$ ” which is defined as the maximum angle of tilt in claim 6. It had previously been pointed out (in the response of May 5, 2009) that the maximum angle of tilt is a desired angle. The Office Action, in the “Response to Arguments” section stated that it is not clear who or what desires this angle. The response, of course, is that the designer/engineer desires the angle. For example, one typical implementation of constant velocity joints is in front-wheel drive cars. In front wheel drive cars, a relatively large amount of angular displacement may be expected as the car’s wheels turn to steer the car. Thus, a constant velocity joint can be designed to accommodate the maximum

angular displacement envisioned for the car's wheel in that particular embodiment. Of course, the present invention is not limited to such embodiments, but this example helps to illustrate what might dictate a designer's choice of  $\theta_{\max}$ .

The Office Action, in the same section, stated that it is not clear how the functional relationship recited in the claim would be satisfied if the desired angle were zero degrees. However, of course, if the angle were zero, then the displacement distance  $\delta$  would necessarily be zero as well. Such an example, however, seems odd, since a constant velocity joint would normally be implemented with at least some desired tilt between the input and output shafts (otherwise why bother with the complexity of a constant velocity joint?).

The Office Action's comment regarding the desired angle being zero degrees raise a question about how the Office Action has interpreted claim 6. Applicants note that the expression  $(1/\cos\theta_{\max} - 1)$  should not be interpreted as  $(1/(\cos\theta_{\max} - 1))$ , which would force the displacement distance  $\delta$  toward infinity as  $\theta_{\max}$  approaches zero, instead of properly approaching zero. To the extent that the Office Action's comments are based on such an erroneous interpretation, that interpretation is respectfully traversed. Thus, for all of the preceding reasons, withdrawal of the rejections for indefiniteness is respectfully requested.

In a second section labeled item (2) (at pages 3-4), the Office Action rejected claims 1-3 and 6 under 35 U.S.C. §102(b) as allegedly anticipated by Mazziotti (U.S. Patent No. 3,008,311) ("Mazziotti"). This rejection is moot in view of the amendment to

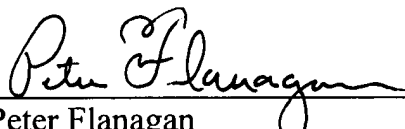
claim 1, which includes the subject matter of claim 5, which has been acknowledged as allowable over Mazziotti. Withdrawal of the rejection is respectfully requested.

For the reasons set forth above, it is respectfully submitted that each of claims 1-3 and 6 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-3 and 6 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
Peter Flanagan  
Attorney for Applicants  
Registration No. 58,178

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Vienna, Virginia 22182-6212  
Telephone: 703-720-7800  
Fax: 703-720-7802  
PCF:skl